

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: Automotive Parts Antitrust Litigation	Master File No. 12-md-02311 Honorable Marianne O. Battani
This document relates to: Truck and Equipment Dealer Actions	

**TRUCK AND EQUIPMENT DEALER PLAINTIFFS’ NOTICE OF JOINDER IN PART
IN MEMORANDA OF LAW FILED BY END-PAYORS, AUTO DEALERS, AND
DIRECT PURCHASERS REGARDING ATTORNEY FEE AWARDS**

Truck and Equipment Dealer Plaintiffs (“TEDPs”) join in part in the memoranda of law regarding attorney fee awards filed at the Court’s request by the End-Payor Plaintiffs, the Auto Dealer Plaintiffs, and the Direct Purchaser Plaintiffs. *See* End-Payor Plaintiffs’ Supplemental Memorandum in Support of End-Payor Plaintiffs’ Motion for an Award of Attorneys’ Fees and Reimbursement of Costs and Expenses (“EPP Brief”) (ECF No. 491, Case No. 2:12-cv-00103)¹; Auto Dealers’ Memorandum Responding to the Court’s Request for Input Regarding Future Petitions for Attorneys’ Fees (“ADP Brief”) (ECF No. 1398, Case No. 2:12-md-02311); Direct Purchaser Class Plaintiffs’ Memorandum of Law Regarding Attorneys’ Fees (ECF No. 1399, Case No. 2:12-md-02311).

Undersigned counsel, on behalf of TEDPs, have been actively litigating cases in this MDL since August 2014, and have filed claims in the Wire Harness, Bearings, Occupant Safety Systems, Radiators, Starters, and Alternators cases. TEDPs have litigated and defeated motions

¹ The EPP Brief was also filed in the End-Payors’ class cases at Nos. 12-203, 12-303, 12-403, 12-603, 13-703, 13-1003, 13-1103, 13-1303, 13-1403, 13-1503, 13-1603, 13-1703, 13-1803, 13-2003, 13-2203, 13-2403, 13-2503, 13-2603.

to dismiss in the Wire Harness case; have engaged in significant document discovery and deposition practice in the Wire Harness and Bearings cases; and anticipate continuing significant motion practice and discovery in the cases in which they are involved. TEDPs have reached settlements in principle with five defendants in the Wire Harness case and two defendants in the Occupant Safety Systems case. TEDPs anticipate soon filing motions for preliminary approval of those settlements. TEDPs have not yet applied for, and have not received, any fees for their work so far in this litigation.

TEDPs concur with the End-Payors, Auto Dealers, and Direct Purchasers that any future awards should be based on a percentage of the common fund recovered. *See* EPP Brief at 3-4, 8-9; ADP Brief at 4; DPP Brief at 3-4, 6-10. TEDPs also concur that it would be inappropriate to apply a declining percentage of the fund in calculating fee awards in successive settlements. *See* EPP Brief at 4-5, 13-14, ADP Brief at 7; DPP Brief at 13-14. For the reasons described in the EPP Brief, to the extent that the Court is inclined to apply a lodestar cross-check, it should avoid isolating the work that counsel has done in a particular case and consider the work that counsel has performed in the litigation as a whole at the time of settlement. *See* EPP Brief at 11.

TEDPs anticipate filing applications for attorney fees in connection with any motions for final approval of the settlements TEDPs have reached and suggest that the Court defer consideration of the specific amount or percentage of a fee award for TEDPs until that time.

Dated: June 15, 2016

Respectfully submitted,

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/s/ J. Manly Parks

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*Interim Class Counsel for Truck and
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CERTIFICATE OF SERVICE

I certify that today I served the foregoing Truck and Equipment Dealer Plaintiffs' Notice of Joinder in Part in Memoranda of Law Filed by End-Payers, Auto Dealers, and Direct Purchasers Regarding Attorney Fee Awards with the Clerk of the Court using the ECF system which will send notification of such filing to all of the ECF participants in this action.

Dated: June 15, 2016

/s/ J. Manly Parks

J. Manly Parks